UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,300	03/31/2004	Rashid Qureshi	ALC 3123	4546

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EXAMINER
YUEN, KAN

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *30 March 2004*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-24* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1,6,19 and 24* is/are rejected.

7) ☒ Claim(s) *2-5,7-13,15-18 and 20-23* is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *31 March 2004* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date *3/31/2004*.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Detailed Action

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1.   Claims 1, 6, 19, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Kalkunte et al. (Pat No.: 6115356).

In claim 1, Kalkunte et al. disclosed the method of maintaining a set of at least one proxy buffer at the Qs channel process, the set having a fill level; receiving an event message associated with a network element (see column 3, lines 35-55, see fig. 1). A switch 12 comprises plurality of input buffers 18, and output buffers 20. The switch 12 is interconnected between pluralities of nodes 14. Therefore we can interpret that one of the node is the network management system. The switch also comprises a congestion monitor unit 24, for monitoring the congestion level of all the buffers. The switch 12 can be the element management system. The switching data can be the event message; at a point separate from the Qs channel process, determining from at least the fill level whether the event message is to be forwarded (see column 4, lines 13-23, see fig. 1). The registers 26 and 28 are for storing a low threshold and a high threshold values. The switch 12 looks at the monitor 24 to determine the congestion level of the buffers, If congestion is detect on one of the buffers, the switch will generate a pause control frame to reduce congestion on the buffer; if the event message is to be forwarded, forwarding the event message to the Qs channel process for storage in the at least one proxy buffer (see column 3, lines 35-55, see fig. 1). The data or message received at the buffers from nodes 14-1 and 14-2 are forwarded to the switch logic 22, the switch

logic 22 checks the congestion level of output buffer 20-3 and 20-4 to determine if the

output buffers are available. If yes, the data or message will be forwarded to the output

buffers for storage.

In claim 6, Kalkunte et al. also disclosed the method of a Qs channel process for

communicating with the NMS; a set of at least one proxy buffer maintained by the Qs

channel process, the set having a fill level (see column 3, lines 35-55, see fig. 1). A

switch 12 comprises plurality of input buffers 18, and output buffers 20. The switch 12 is

interconnected between pluralities of nodes 14. Therefore we can interpret that one of

the node is the network management system (NMS). The switch also comprises a

congestion monitor unit 24, for monitoring the congestion level of all the buffers. The

switch 12 can be the element management system. The switch logic 22 can be the Qs

channel process; an event logger for receiving an event message associated with a

network element, for determining from at least the fill level whether the event message

is to be forwarded, and for forwarding the event message to the Qs channel process for

storage in the at least one proxy buffer in the event that the event message is to be

forwarded (see column 3, lines 35-55, see fig. 1). The data or message received at the

buffers from nodes 14-1 and 14-2 are forwarded to the switch logic 22, the switch logic

22 checks the congestion level of output buffer 20-3 and 20-4 to determine if the output

buffers are available. If yes, the data or message will be forwarded to the output buffers

for storage. The even logger is the congestion monitor 24.

In claim 19, Kalkunte et al. also disclosed the method of intermittently receiving

from the Qs channel process a callback message indicative of the fill level (see column

1, lines 35-45). As shown, the pause control message or frame is generated, and is sent

to a particular node for indication of fill level of the buffer of the node is congested;

receiving an event message associated with a network element; determining from at

least the fill level whether the event message is to be forwarded (see column 4, lines

13-23, see fig. 1). The registers 26 and 28 are for storing a low threshold and a high

threshold values. The switch 12 looks at the monitor 24 to determine the congestion

level of the buffers, If congestion is detect on one of the buffers, the switch will generate

a pause control frame to reduce congestion on the buffer. The event message can be

the switch data from any one of the nodes 14; and if the event message is to be

forwarded, forwarding the event message to the Qs channel process for storage in the

set of at least one proxy buffer (see column 3, lines 35-55, see fig. 1). The data or

message received at the buffers from nodes 14-1 and 14-2 are forwarded to the switch

logic 22, the switch logic 22 checks the congestion level of output buffer 20-3 and 20-4

to determine if the output buffers are available. If yes, the data or message will be

forwarded to the output buffers for storage.

In claim 24, Kalkunte et al. also disclosed the method of instructions for receiving

from the Qs channel process a callback message indicative of the fill level (see column

1, lines 35-45). As shown, the pause control message or frame is generated, and is sent

to a particular node for indication of fill level of the buffer of the node is congested;

instructions for receiving an event message associated with a network element;

instructions for determining from at least the fill level whether the event message is to

be forwarded (see column 4, lines 13-23, see fig. 1). The registers 26 and 28 are for

storing a low threshold and a high threshold values. The switch 12 looks at the monitor 24 to determine the congestion level of the buffers, If congestion is detect on one of the buffers, the switch will generate a pause control frame to reduce congestion on the buffer. The event message can be the switch data from any one of the nodes 14; and instructions for forwarding the event message to the Qs channel process for storage in the set of at least one proxy buffer, in the event that the event message is to be forwarded (see column 3, lines 35-55, see fig. 1). The data or message received at the buffers from nodes 14-1 and 14-2 are forwarded to the switch logic 22, the switch logic 22 checks the congestion level of output buffer 20-3 and 20-4 to determine if the output buffers are available. If yes, the data or message will be forwarded to the output buffers for storage.

Allowable Subject Matter

2.   Claims 2-5, 7-13, 15-18, 20-23 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art failed to teach the method of if the state is Low, determining that the event message is to be forwarded; if the state is High and the event message has a high priority, determining that the event message is to be forwarded; if the state is High and the event message has a low priority, determining that the event message is not to be forwarded; and if the state is Full, determining that the event message is not to be forwarded, as recited in claim 2, 7,

and 20. The prior art also failed to teach the method of deleting an event message corresponding to the acknowledgment from the set; and determining whether deletion of the event message from the set caused the fill level of the set to fall to or below either the third threshold or the fourth threshold; and if addition of the event message to the set caused the fill level of the set to rise to or above either the first threshold or the second threshold, or if deletion of the event message from the set caused the fill level of the set to fall to or below either the third threshold or the fourth threshold, sending a callback message to an event logger in the EMS indicative of which threshold has been crossed by the fill level, as recited in claim 14, and 18.

Conclusion

3.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sivakumar et al. (Pub No.: 2003/0067877), Bonomi et al. (Pat No.: 6292492), and Smeulders et al. (Pat No.: 6741559), are show systems which considered pertinent to the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kan Yuen whose telephone number is 571-270-2413. The examiner can normally be reached on Monday-Friday 10:00a.m-3:00p.m EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky O. Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ky

RICKY Q. NGO
SUPERVISORY PATENT EXAMINER